IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

DONALD SCHOENTHAL and)
TARA NEUTZLER,)
)
    Plaintiffs,)
)
v.)   No. 1:19-cv-01161-STA-dkv
)
CARROLL COUNTY SHERIFF'S)
DEPARTMENT et al.,)
)
    Defendants.)
_____

ORDER DENYING MOTION TO DISMISS AS MOOT
_____

Before the Court is Defendants Kim Rezac, Redemption Road Rescue, and Lori Collins'

Motion to Dismiss (ECF No. 36) filed December 20, 2019. On July 8, 2020, Plaintiffs Donald

Schoenthal and Tara Neutzler filed a Notice of Voluntary Dismissal (ECF No. 59). Federal Rule of

Civil Procedure 41(a)(1)(A)(i) permits a plaintiff to nonsuit a case without the permission of the court

or the defendant at any time before a defendant has filed an answer or a motion for summary

judgment. *Aamot v. Kassel*, 1 F.3d 441, 443 (6th Cir. 1993)). As long as those conditions are met, a

unilateral notice of voluntary dismissal operates to conclude the case and remove any further decision

to dismiss the case from the court's discretion. *Wellfount, Corp. v. Hennis Care Ctr. of Bolivar, Inc.*,

951 F.3d 769, 773 n.2 (6th Cir. 2020) (citing *Aamot*, 1 F.3d at 443)); *Warfield v. AlliedSignal TBS*

Holdings, Inc., 267 F.3d 538, 541 (6th Cir. 2001).

While the Defendants in this case had previously filed Rule 12(b)(1) and Rule 12(b)(6)

motions to dismiss, no Defendant had filed an answer to the Complaint. In fact, the Chief United

States Magistrate Judge had granted Plaintiffs, who are acting *pro se*, leave to amend their original

Complaint in December 2019. *See* Order Granting in Part, Denying in Part Pls.' Mot. to Am. Compl.

1

Dec. 20, 2019 (ECF No. 27). Plaintiffs just never filed an amended pleading. Plaintiffs' Notice,

therefore, brings this matter to a conclusion. In light of Plaintiffs' Notice of Voluntary Dismissal, the

remaining Motion to Dismiss is **DENIED** as moot.

The Clerk of Court is directed to enter judgment.

IT IS SO ORDERED.

<div style="text-align:right">

s/ S. Thomas Anderson
S. THOMAS ANDERSON
CHIEF UNITED STATES DISTRICT JUDGE

Date: July 9, 2020

</div>